

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

**MEMORANDUM**

- v -

CR-12-568 (NGG)(VP)

ZEPHANIAH DANTZLER,

Defendant.

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By letter dated January 2, 2013, the government has submitted a letter citing recent Second Circuit authority suggesting that a factual hearing concerning the seizure of the weapon at issue may not be necessary. As the defendant has not had an opportunity to respond to the government's argument, however, the government should nevertheless be prepared to present evidence regarding the factual circumstances surrounding the seizure at the hearing now scheduled for Monday, January 7. The court will hear argument prior to the hearing on January 7, 2013 in order to determine whether to limit the scope of the hearing based on the authority cited by the government. Regardless of any determination the court may make to limit the scope of the hearing with respect to the seizure of the weapon, the court will hear testimony concerning the circumstances surrounding the statements that were obtained from the defendant while he was at Brooklyn Central Booking.

*Viktor V. Pohorelsky*

VIKTOR V. POHORELSKY  
United States Magistrate Judge

Dated: Brooklyn, New York  
January 3, 2013